

Non-Municipal Solid Waste Landfill Facility  
Checklist for Application Approval



**Non-Municipal Solid Waste  
Landfill Facility (NMSWLF)  
Checklist for  
Application Approval**

This document is a revision of the Arizona Department of Environmental Quality's "Non-municipal Solid Waste Landfill Facility Checklist," dated June 1996. Changes incorporated into this revision are: pertinent licensing time frames rules, financial assurance rules, new fee rules, revised Aquifer Protection Permit (APP) rules and changes to correct inconsistencies and inaccuracies noted in the 1996 document.

**Licensing Time Frames (LTF)**

Arizona Administrative Code (AAC) R-18-1-501 – 525 displays the rules for licensing time frames that allow the agency issuing the licenses or approval to take up to a specified number of business days shown on the table below to administratively review the application and determine if all required material is in place. Under the substantive, or technical review which follows, the total number of business days listed below can be taken before a decision to approve or disapprove the application must be made. The LTF clock can be stopped by the Agency one time during the administrative review if necessary data are missing. The LTF clock can also be stopped one time during the substantive review to request additional technical information or technical clarification from the applicant. When the requested information is received and accepted as a complete response by the Agency, the LTF clock is restarted. In the case of a new facility plan application or a major modification, the time listed also includes the time of public notice.

Type of Application	Admin. Review time – days	Substantive Review time – days	Public Hearing Required
New Facility	35	186	Maybe <sup>1</sup>
"Other" Modification	35	186	No
"Major" Modification	35	231	Maybe <sup>1</sup>

<sup>1</sup> Whether or not a public hearing is held depends on the types and number of comments received during the public comment period.

**Plan Review Fee Schedule**

All applications shall be accompanied by a check or money order for \$1,000 as an initial fee. All applications are subject to review at the current hourly rate and subject to a maximum fee. The hourly rate for review is established under Arizona Administrative Code R-18-14-102(B). The maximum fee allowed to be billed is determined as prescribed under Arizona Revised Statutes (ARS) § 49-241.02(A).

**Regulatory Requirements**

Federal requirements for landfill design and operation were first established under the Resource Conservation and Recovery Act (RCRA) and are codified in 40 CFR § 257. Arizona Revised Statutes 49-761(C) states that rules adopted pursuant to this subsection

## Non-Municipal Solid Waste Landfill Facility Checklist for Application Approval

shall not be more stringent than or conflict with 40 CFR § 257 for nonprocedural standards, except that “the department may adopt aquifer protection standards that are more stringent than 40 CFR § 257 if these standards are consistent with and no more stringent than the standards developed pursuant to Chapter 2, Article 3 of this title”(the Arizona Aquifer Protection Permit statutes). The State of Arizona has not, as yet, promulgated non-municipal landfill rules. Until those rules are written and approved, the facility plan for a non-municipal solid waste landfill is governed by an Aquifer Protection Permit.

### **Financial Assurance**

Financial assurance rules approved in 2001 require an applicant to demonstrate that the owner/operator of the proposed facility has the financial capability to construct, operate, close and assure proper post-closure care of the facility. AAC R-18-9-A203

### **Submittal of Application**

Submit three copies of the application and supporting documentation to the Agency. If the material is voluminous, place the material in three-ring binders. The application becomes part of the official state file on the landfill. Fold any maps included in the application and place in jackets within the binder because of archival limitations. All pages of revisions should bear the date of the revision. Any maps, plans, illustrations, tables, drawings, cross-sections, or aerial photographs submitted with the application shall be legible and meet the following criteria; 1) 8.5 by 11 inches in size or 8.5 by 11 inches folded (illustrations, tables or drawings reduced in size should be no smaller than 8.5 by 11 inches); 2) an appropriate scale to clearly show all required details.

The submittal shall be made to:        Arizona Department of Environmental Quality  
Solid Waste Plan Review Unit  
1110 West Washington Street  
Phoenix, AZ 85007

If the submittal is for a new landfill, the application is, in essence, the original landfill facility plan. If the application is for an “other” or “major” modification, then the application is a request to amend the existing facility plan. (For an “other” modification only two copies of the application and supporting documentation are required.)

In summary, the steps necessary to obtain the requested approval are:

1. Submit the three copies of the application following the format on the following pages;
2. Submit a check for \$1,000 with the application;
3. This office will undertake an administrative review of the material submitted. If it is complete you will be notified within the time frame allowed. If the submittal is incomplete you will be notified of the specific deficiencies noted. The LTF clock stops at the time of the deficiency notice and does not start again until the requested information is received and accepted;
4. When the administrative review is completed the applicant is notified and the substantive or technical review begins. For a new landfill application or a major modification, a public notice is published in a local newspaper. An “other” modification does not require a public notice but does require notification to affected local governments under AAC R-18-9-108.

Non-Municipal Solid Waste Landfill Facility  
Checklist for Application Approval

5. During the substantive review process, if technical deficiencies are noted, the applicant is notified of these deficiencies. The LTF clock stops at the time the deficiency letter is mailed. It does not start again until the deficiencies are corrected to the satisfaction of the Agency;

6. After the substantive review is completed, approval or denial of the application is granted;

7. If the application is approved, the approval the approval is sent to the applicant by first by first class mail; or

8. If the application is denied, the denial letter will provide the basis of that decision. A denial is an appealable agency action under ARS Title 41, Article 10.

For any questions during the application submittal review process contact Agency personnel as follows for assistance:

Administrative Review (602) 771-4120

Substantive Review (602) 771-4670, (602) 771-4588

Plan Review Manager (602) 771-4122

### **Application Content Checklist**

What follows is a checklist for use in preparing a submittal for approval of a non-municipal solid waste landfill. Do not submit this form – but use it in application preparation

#### **I. General Information (AAC R18-9-A201(A)(2)(a))**

- ☐ Name and mailing address of applicant;
- ☐ Social Security Number of applicant, if the applicant is an individual;
- ☐ Name and mailing address of the owner of the facility;
- ☐ Name and mailing address of the operator of the facility;
- ☐ Legal description of the location of the facility;
- ☐ Expected operational life of the facility.

#### **II. Documents Needed**

- ☐ Copy of the Certificate of Disclosure required under ARS 49-109;
- ☐ Evidence that the facility complies with applicable municipal or county zoning ordinances, codes and regulations; (AAC R18-9-A201(A)(2)(c))(ARS 49-767);
- ☐ Copies of any other federal or state environmental permits issued to the applicant for this facility; (AAC R18-9-A201(A)(2)(a)(vii))

Non-Municipal Solid Waste Landfill Facility  
Checklist for Application Approval

- [ ] Two copies of the required technical information described below; (AAC R18-9-A201(A)(2)(d));
- [ ] Financial assurance information required by AAC R18-9-A203 and described below; (AAC R18-9-A201(A)(2)(e))
- [ ] Certification in writing that the information submitted in the application is true and accurate to the best of the applicant's knowledge; (AAC R18-9-A201(A)(2)(h))
- [ ] A restrictive covenant placed on the disposal area of the facility. (ARS 49-771).

**III. Location restrictions**

- [ ] Landfill location and operation shall not restrict the flow of a 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste (40 CFR 257.3-1, and ARS 49-772(C));
- [ ] No landfill shall be located where any part of the facility is within ½ mile of a 100-year floodplain that has 100-year flows in excess of 25,000 cfs as determined by the Federal Emergency Management Agency (ARS 49-772(A)(2));
- [ ] A landfill will not be located at a location where an irrigation grandfathered right is appurtenant to all or any part of the site (ARS 49-772(A)(1));
- [ ] Landfill construction and operation shall not cause or contribute to the taking of any endangered or threatened species of plants, fish or wildlife (40 CFR 257.3-2);
- [ ] Landfill location or operational practices shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species (40 CFR 257.3-2);
- [ ] Landfills shall not be located in wetlands, unless the owner or operator can demonstrate the following:
  - (1) A practicable alternative site that does not involve wetlands is not available
  - (2) The construction and operation of the landfill will not cause, contribute to the violation of any applicable state water quality standard, toxic effluent standard or prohibition, or jeopardize endangered or threatened species or critical habitat.
  - (3) The construction and operation of the facility will not cause or contribute to significant degradation of wetlands.
  - (4) To the extent required under § 404 of the Clean Water Act or applicable state wetland laws, steps have been taken to achieve no net loss of wetlands (ARS 49-772(D));

Non-Municipal Solid Waste Landfill Facility  
Checklist for Application Approval

- [ ] Landfills that are sited within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway used only by piston-type aircraft shall demonstrate in the facility plan that the facility is designed and operated so that it does not pose a bird threat to aircraft (ARS 49-772(B));
- [ ] Landfills shall not be located within 200 feet of a fault that has had displacement in Holocene time unless the owner or operator can demonstrate in the facility plan that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the facility and will protect public health and the environment (ARS 49-772(E)(1));
- [ ] Landfills shall not be located in seismic impact zones unless the owner or operator can demonstrate in the facility plan that all containment structures, including liners, leachate collection systems, and surface water control systems are designed to resist the maximum horizontal acceleration in lithified earth material for the site (ARS 49-772(E)(2));
- [ ] Owners and operators of landfills located in an unstable area shall demonstrate in the facility plan that engineering measures have been incorporated into the facility design to ensure that the integrity of the structural components of the facility will not be disrupted, including at a minimum an analysis of the following: (ARS 49-772(F))
  - (1) On-site or local soil conditions that may result in significant differential settling.
  - (2) On-site or local geologic or geomorphologic features.
  - (3) On-site or local man-made surface or subsurface features or events.

**IV. Design Information**

- [ ] A topographic map, or other appropriate map approved by the Department, of the facility location and contiguous land area showing the known use of adjacent properties, all known water well locations found within one-half mile of the facility, and a description of well construction details and well uses, if available; (AAC R18-9-A202(A)(1));
- [ ] A facility site drawing showing all known property lines, structures, water wells, injection wells, drywells and their uses, topography, and the location of points of discharge. The facility's site plan shall include all known borings unless the Department determines that borings are numerous and the requirement may be satisfied by a narrative description of the number and location of the borings; (AAC R18-9-A202(A)(2))
- [ ] The facility design documents indicating proposed or as-built design details and proposed or as-built configuration of basins, ponds, waste storage areas, drainage diversion features, or other engineered elements of the facility affecting discharge. When formal as-built submittals are not available, the applicant shall provide

Non-Municipal Solid Waste Landfill Facility  
Checklist for Application Approval

documentation, sufficient to allow evaluation of those elements of the facility affecting discharge, following the demonstration requirements of ARS 49-243(B); (AAC R18-9-A202(A)(3))

- [ ] A description of the Best Available Demonstrated Control Technology (BADCT) to be employed in the facility, including:
  - [ ] A statement of the technology, processes, operating methods, or other alternatives that will be employed to meet the requirements of ARS 49-243(B). The statement shall describe:
    - [ ] The alternative discharge control measures considered,
    - [ ] The technical and economic advantages and disadvantages of each alternative, and
    - [ ] The justification for the selection or rejection of each alternative.
  - [ ] An evaluation of each alternative discharge control technology relative to the amount of discharge reduction achievable, site specific hydrologic and geologic characteristics, other environmental impacts, and water conservation or augmentation;
  - [ ] An industry-wide evaluation of the economic impact of implementation of each alternative control technology; (AAC R18-9-A202(A)(5))
- [ ] Proposed points of compliance for the facility based on ARS 49-244. An applicant shall demonstrate that:
  - [ ] The facility will not cause or contribute to a violation of the Aquifer Water Quality Standards at the proposed point of compliance, or
  - [ ] If an Aquifer Water Quality Standard for a pollutant has been exceeded in an aquifer at the time of permit issuance, no additional degradation of the aquifer relative to that pollutant and determined at the proposed point of compliance will occur as a result of the discharge from the proposed facility; (AAC R18-9-A202(A)(6))
- [ ] A contingency plan that meets the requirements of AAC R18-9-A204;
- [ ] A hydrogeologic study that defines the discharge impact area for the expected duration of the facility. The Department may allow the applicant to submit an abbreviated hydrogeologic study or, if warranted, no hydrogeologic study, based upon the quantity and characteristics of the pollutants discharged, the methods of disposal, and the site conditions. Information from a previous study of the affected area may be included to meet a requirement of the hydrogeologic study, if the previous study accurately represents current hydrogeologic conditions. The hydrogeologic study shall demonstrate: (AAC R18-9-A202(A)(8))
  - [ ] That the facility will not cause or contribute to a violation of the Aquifer Water Quality Standards at the applicable point of compliance; or
  - [ ] If an Aquifer Water Quality Standard for a pollutant has been exceeded in an aquifer at the time of permit issuance that no additional degradation of the aquifer relative to that pollutant and determined at the applicable point of compliance will occur as a result of the discharge from the proposed facility;

Non-Municipal Solid Waste Landfill Facility  
Checklist for Application Approval

- ☐ Based on the quantity and characteristics of pollutants discharged, methods of disposal, and site conditions, the Department may require the applicant to provide:
  - ☐ A description of the surface and subsurface geology, including a description of all borings;
  - ☐ The location of any perennial, intermittent, or ephemeral surface water bodies;
  - ☐ The characteristics of the aquifer and geologic units with limited permeability, including depth, hydraulic conductivity, and transmissivity;  
Rate, volume, and direction of surface water and groundwater flow, including hydrographs, if available, and equipotential maps;
  - ☐ The precise location or estimate of the location of the 100-year flood plain and an assessment of the 100-year flood surface flow and potential impacts on the facility;
  - ☐ Documentation of the existing quality of the water in the aquifers underlying the site, including, where available, the method of analysis, quality assurance, and quality control procedures associated with the documentation;
  - ☐ Documentation of the extent and degree of any known soil contamination at the site;
  - ☐ An assessment of the potential of the discharge to cause the leaching of pollutants from surface soils or vadose materials;
  - ☐ Any anticipated changes in the water quality expected because of the discharge;
  - ☐ A description of any expected changes in the elevation or flow directions of the groundwater that may be caused by the facility;
  - ☐ A map of the facility's discharge impact area;
  - ☐ The criteria and methodologies used to determine the discharge impact area; or
  - ☐ The proposed location of each point of compliance.

The necessity of providing the above listed 12 items can best be determined in a pre-application meeting before the proposed facility plan is submitted.

- ☐ If conditionally exempt small quantity generator waste is going to be accepted it must be so stated in the application. (40 CFR 257.5)
- ☐ If there will be a discharge to waters of the United States there must be an Arizona Pollutant Elimination Discharge Permit issued by the ADEQ Water Quality Division. (40 CFR 257.3-3, NPDES delegated to Arizona)
- ☐ Applicant should check with the Corps of Engineers about the applicability of a Corps 404 permit for the facility. (40CFR 257.3-3, 257.9)

Non-Municipal Solid Waste Landfill Facility  
Checklist for Application Approval

**IV. Operational Information**

- ☐ Waste screening protocol; (While not specifically required under 40 CFR 257, only certain wastes can be accepted in a non-municipal landfill. Explain how this will be accomplished.)
- ☐ There will be an application and compaction of soil or other suitable material over dispersed solid waste at the end of each operating day or at such frequencies and in such manner as to reduce the risk of fire and to control disease vector's access to the waste. (40 CFR 257.3-6(a) and 40 CFR 257.3-8(e)(6);
- ☐ The concentration of explosive gases generated by the landfill facility shall not exceed: (40CFR 257.3-8(a))
  - (1) Twenty-five percent of the lower explosive limit for the gases in facility structures, and
  - (2) The lower explosive limit for the gases at the property boundary.
- ☐ A landfill shall not allow uncontrolled public access so as to expose the public to potential health and safety hazards at the disposal site. (40 CFR 257.3-8(d));
- ☐ The owner/operator of a non-municipal waste disposal unit must record and maintain at or near the facility an operating record containing: (40 CFR 257.30).
  - ☐ Any location restrictions;
  - ☐ Required monitoring and testing results

**VI. Financial Assurance**

A person applying for non-municipal landfill approval shall demonstrate financial capability to construct, operate, close and assure proper post-closure care of the facility.

- ☐ Cost Estimates (AAC R18-9-A203(A))
  - ☐ Facility Construction
  - ☐ O & M Costs (§ 49-243(B))
  - ☐ Closure Costs (R18-9-A209B))
  - ☐ Post-closure monitoring/maintenance (R18-9-A209(C))
- ☐ Financial Demonstration (AAC R18-9-A203(B))

-- End of Non-Municipal Solid Waste Landfill Facility  
Checklist for Application Approval --